

JAN 25 2012

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 266, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§266- Exemption from conservation district permitting
5 and site plan approval requirements. Notwithstanding any law to
6 the contrary, all work involving submerged lands used for state
7 commercial harbor purposes shall be exempt from any permitting
8 and site plan approval requirements established for lands in a
9 conservation district."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: AS.T.A.

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BY REQUEST

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Report Title:

Submerged Lands; Department of Transportation Exemption

Description:

Amend chapter 266, Hawaii Revised Statutes, to exempt the Department of Transportation, Harbors Division, from the permit and site plan approvals requirements relating to submerged lands within the conservation district.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO
TRANSPORTATION.

PURPOSE: To exempt the Department of
Transportation, Harbors Division from
the permit and site plan approvals
requirements relating to submerged
lands within the conservation district
under chapter 183C, Hawaii Revised
Statutes.

MEANS: Add a new section to chapter 266,
Hawaii Revised Statutes (HRS).

JUSTIFICATION: Chapter 183C applies to activities in,
on, or under submerged lands comprising
the commercial harbors system within
the conservation district. By statute,
the Department of Land and Natural
Resources manages the conservation
district and has oversight over marine
waters and submerged lands.

The bill proposes to exempt submerged
lands within the State commercial
harbors system from the provisions of
chapter 183C relating to permits and
site plan approvals. The Harbors
Division would be able to more
efficiently implement needed maritime
projects if such exemption is provided.

Sufficient oversight already exists for
submerged lands within the State
commercial harbors system for the
preservation of the ecosystem, flora
and fauna as the Department of
Transportation will continue to be
subject to the requirements of chapter
343, HRS, as well as the permit

requirements by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and oversight by the State Department of Health for federal programs such as the Clean Water Act.

This exemption will allow the Harbors Division to plan and more effectively and efficiently implement projects in a timely manner to meet the growing needs of the maritime industry.

The "just in time" cargo system for Hawaii is dependent upon the State commercial harbors system as 98 percent of imported goods passes through its harbors. Significant impacts to facility operations and delivery of goods can occur if necessary capital projects are not completed or harbor facilities are not maintained and/or rehabilitated in a timely manner due to unnecessary permit delays.

Impact on the public: The public interest is better served with more timely implementation of harbor improvement projects.

Impact on the department and other agencies: The exemption will allow the department to plan and more effectively implement projects in a timely manner. As sufficient oversight already exists to address environmental concerns, there are no negative impacts to the Department of Land and Natural Resources in providing this exemption.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 395.

OTHER AFFECTED
AGENCIES:

Department of Land and Natural
Resources.

EFFECTIVE DATE:

Upon approval.